

SENATE BILL 823

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to trans fat in food in schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by
adding the following as a new section:

§ 49-6-2308.

(a) No foods containing artificial trans fat, as defined in this section, shall be
stored, distributed, held for service, used in preparation of any menu item or served in
any school nutrition program, except food that is being served directly to patrons in a
manufacturer's original sealed package.

(b) For the purposes of this section, a food shall be deemed to contain artificial
trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening,
margarine or any kind of partially hydrogenated vegetable oil. However, a food whose
nutrition facts label or other documentation from the manufacturer lists the trans fat
content of the food as less than five tenths (0.5) grams per serving, shall not be deemed
to contain artificial trans fat.

(c)

(1) School nutrition programs shall maintain on site the original labels for
all food products:

(A) That are, or that contain, fats, oils or shortenings; and

(B) That are, when purchased by such food service

establishments or quick fast food establishments, required by applicable
federal and state law to have labels; and

(C) That are currently being stored, distributed, held for service, used in preparation of any menu items, or served by the food service establishment, or by the quick fast food establishment.

(2) Documentation acceptable to the department of education and the state school board, from the manufacturers of such food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of original labels.

(3) If baked goods, or other food products restricted pursuant to subsection (a), that are or that contain fats, oils or shortenings, are not required to be labeled when purchased, school nutrition programs shall obtain and maintain documentation acceptable to the department of education and the state school board, from the manufacturers of the food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content.

(d) This section shall take effect on July 1, 2009, with respect to oils, shortenings and margarines containing artificial trans fat that are used for frying or in spreads; except that the effective date of this section with regard to oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat, shall be July 1, 2010.

SECTION 2. Except as otherwise provided by Section 1(d), this act shall take effect July 1, 2009, the public welfare requiring it.